

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v

Case Nos. 20-CR-20348
20-CR-20231
Honorable Thomas L. Ludington

JONATHAN MOSES PEGO,

Defendant.

**ORDER TERMINATING ORIGINAL CASE NUMBER (20-20231), DIRECTING ALL
FUTURE FILINGS TO BE MADE UNDER NEW CASE NUMBER (20-20348),
GRANTING PLAINTIFF'S MOTION TO DISMISS THE INFORMATION (20-20231),
AND DENYING PLAINTIFF'S MOTION TO CORRECT THE RECORD AS
MOOT (20-20348)**

On May 1, 2020, Plaintiff, the United States of America (the "Government"), charged Defendant Jonathan Moses Pego with assault in a criminal complaint filed under case number 20-MJ-30167. ECF No. 1 (Case No. 20-CR-20231). On May 5, after conducting a detention hearing, Magistrate Judge David R. Grand ordered that Defendant be detained pending trial. ECF No. 4 (Case No. 20-CR-20231). On June 5, 2020, after Defendant agreed to plead guilty, the Government filed an information to facilitate the plea. ECF No. 7 (Case No. 20-CR-20231). The case was assigned case number 20-CR-20231 (*U.S. v. Pego*). *Id.* Defendant subsequently decided not to plead. As a result, the Government sought to indict Defendant.

The grand jury returned an indictment against Defendant on August 5, 2020. ECF No. 1 (Case No. 20-CR-20348). However, the indictment was not filed under the original case number but a new case number, 20-CR-20348 (*U.S. v. Pego*). *Id.* At his arraignment, Defendant requested release. On August 7, 2020, the Government moved this Court to cancel Defendant's detention

hearing and merge the two cases. ECF No. 7 (Case No. 20-CR-20348). No subsequent detention hearing was held, but on August 11, 2020, Magistrate Judge Grand again ordered that Defendant be detained pending trial. ECF No. 8 (Case No. 20-CR-20348). Then, on August 24, 2020, the Government moved to dismiss the information filed under the original case number. (Case No. 20-CR-20231).

Under Rule 36, and after giving “any notice it considers appropriate,” this Court “may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.” Fed. R. Crim. P. 36. To date, no justification for filing the indictment under a new case number has appeared on either the new or original docket. The Government and Magistrate Judge Grand agree that the indictment was filed under a new case number because of a clerical error. ECF Nos. 7 and 8 (Case No. 20-CR-20348). The Defendant has not suggested any reason why dismissing the information, closing the original case number, and proceeding under the new case number would prejudice him.¹ There is no good reason to continue litigating the same case under two different case numbers. Defendant’s rights under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, will remain consistent with the relevant dates in the original case number. There is no issue of notice here because all parties were on notice of the clerical issue as discussed by the Government and Magistrate Judge Grand.

Accordingly, it is **ORDERED** that the Government’s Motion to Dismiss the Information, ECF No. 19 (Case No. 20-CR-20231), is **GRANTED**.

It is further **ORDERED** that Case No. 20-CR-20231 is **CLOSED**.

¹ Defendant’s response to the Government’s motion argues only for a new detention hearing and makes no mention of the clerical error, of which Defendant’s counsel was surely aware. ECF No. 18 (Case No. 20-CR-20231).

It is further **ORDERED** that that the parties are **DIRECTED** to file all future filings in this case under Case No. 20-CR-20348. Defendant's rights under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, will remain consistent with the relevant dates in the original case number.

It is further **ORDERED** that the Government's Motion to Correct the Record and Cancel the Detention Hearing, ECF No. 5 (Case No. 20-CR-20348), is **DENIED AS MOOT**.

Dated: September 10, 2020

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge